

UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF MASSACHUSETTS

_____)	
CRYSTAL MOTOR EXPRESS, INC.,)	
)	
<i>Plaintiff,</i>)	
)	CIVIL ACTION NO. 04-11450-RGS
)	
TOWN OF LYNNFIELD,)	
)	
<i>Defendant.</i>)	
_____)	

JOINT MOTION TO AMEND SCHEDULING ORDER

Now come the parties and hereby move this Honorable Court to issue an Order amending the scheduling order by extending the deadline for dispositive motions from December 30, 2005 to February 28, 2006, with responses due 30 days thereafter.

As grounds for this motion, the parties state that a sixty-day extension accurately reflects the amount of time needed for discovery and for the preparation of dispositive motions. Prior to filing dispositive motions, the plaintiff intends to take the deposition of town counsel. On September 29, 2005, the Court ordered the deposition of town counsel, as well as the production of certain documents over which the defendant had asserted an attorney-client privilege. The parties are currently coordinating the scheduling of Town Counsel's deposition, which is expected to be held in the next several weeks.

Additionally, defense counsel's trial schedule impacts the ability to complete discovery and dispositive motions within the present deadlines. Defense counsel is presently scheduled to commence trial on November 14, 2005 in Providence Superior Court in the matter of Gilman v. Hopkinton, No. 99-0177, a breach of contract action anticipated to last one to two weeks. Furthermore, defense counsel has a date certain for trial commencing January 30, 2006 in the matter of Bernier v. Vincent, No. 2002-01433, in Fall River Superior Ct., which is an employment retaliation and civil rights case expected to last three weeks.

Given the number of legal arguments anticipated in dispositive motions, the parties state that the additional time will allow for full briefing of these legal issues.

WHEREFORE, the parties respectfully request that this Court amend the Scheduling Order by extending the deadline for dispositive motions by sixty days.

Respectfully submitted,

TOWN OF LYNNFIELD

CRYSTAL MOTOR EXPRESS, INC.

By its attorney,

By its attorneys,

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Date: October 26, 2005